

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

RYAN IRON WORKS, INC.

and

SHOPMEN'S LOCAL 501,
INTERNATIONAL ASSOCIATION OF
BRIDGE, STRUCTURAL, AND
ORNAMENTAL IRONWORKERS,
AFL-CIO

Cases 1-CA-33353 (R)
1-CA-33762
1-CA-33956
1-CA-34066

and

NATIONAL SHOPMEN PENSION FUND

Thomas J. Morrison and Sandra L. Jean, Esqs.,
for the General Counsel.

Robert P. Corcoran, Esq., (Gleason & Corcoran),
of Boston, MA, for the Respondent.

Marc Rifkind, Esq., (Slevin & Hart, P.C.),
of Washington, DC for the National Shopmen
Pension Fund.

SECOND SUPPLEMENTAL DECISION

MARTIN J. LINSKY, Administrative Law Judge: On October 29, 2003, I issued a Supplemental Decision in the above-captioned case. The case was then transferred to and continued before the Board.

On January 26, 2004, in response to a Motion to Remand made by Counsel for the General Counsel, the Board remanded the case to me for the limited purpose of my reconsideration regarding the pension contribution, if any, to be made on behalf of Oldemar Cyrus, a strike replacement employee.

The Motion to Remand was made on the grounds that I relied on an exhibit which contained inadvertent clerical errors.

Thereafter on February 17, 2004, Counsel for the General Counsel filed an unopposed Motion to the Administrative Law Judge to Amend Findings to Conform to Corrected Evidence.

The Counsel for the General Counsel's Motion is granted.

In my October 29, 2003, Supplemental Decision I inadvertently referred in the caption of the case to "1-CA-34026" which should be changed to read "1-CA-34066."

In addition, due to a clerical error in General Counsel Exhibit 3 the amount found due and owing to the pension fund on behalf of strike replacement worker Oldemar Cyrus was recorded in Appendix A to my October 29, 2003 decision as "\$0.00" and should instead be recorded as "\$15,756.42." This change will increase the total pension contribution due on behalf of replacement workers, not counting interest, to \$151,699.85 rather than \$135,943.43.

Dated, Washington, D.C. March 30, 2004.

Martin J. Linsky
Administrative Law Judge